

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Brandon Baney,)	
)	
Plaintiff,)	C/A No.: 3:20-cv-04313-SAL-PJG
)	
vs.)	
)	
Town of Chapin and Blake Gainous,)	ORDER
)	
Defendants.)	
)	

Before the Court is a Joint Motion for the Production of Expunged Records. For the reasons stated herein, the Court grants the motion.

LEGAL STANDARD

In general, parties to civil litigation may obtain discovery regarding “any nonprivileged matter that is relevant to any party’s claim or defense” so long as the information is “proportional to the needs of the case”. Fed. R. Civ. P. 26(b)(1). The scope of discovery permitted by Rule 26 is designed to provide a party with information reasonably necessary to afford a fair opportunity to develop her case. *See Nat’l Union Fire Ins. Co. of Pittsburgh, P.A. v. Murray Sheet Metal Co., Inc.*, 967 F.2d 980, 983 (4th Cir. 1992). “The scope and conduct of discovery are within the sound discretion of the district court.” *Columbus-America Discovery Group v. Atlantic Mut. Ins. Co.*, 56 F.3d 556, 568 n. 16 (4th Cir. 1995); *see also Carefirst of Md, Inc. v. Carefirst Pregnancy Ctrs.*, 334 F.3d 390, 402 (4th Cir. 2003) (“Courts have broad discretion in [their] resolution of discovery problems arising in cases before [them].”)

DISCUSSION

The parties move for the production of expunged records relating to criminal charges against Plaintiff that are related to this litigation. Plaintiff has brought suit against the Defendants alleging that he was subjected to the excessive use of force during an arrest. Plaintiff was charged

with several offenses relating to his arrest, some of which were later dismissed, and the related records expunged. Under South Carolina law, expunged records may be disclosed when “allowed by court order.” S.C. Code Ann. § 17-1-40. The parties agree that the expunged records are relevant to this lawsuit and the production is related only to discovery in a civil suit. As a result, the Court grants the Joint Motion for Production of Expunged Records and orders disclosure of those records.

CONCLUSION

For the foregoing reasons, the Joint Motion for the Production of Expunged Records is **GRANTED.**

AND IT IS SO ORDERED

April 7, 2021
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE